

Sustainable Development Law & Policy

Volume 18
Issue 2 *Spring/Summer 2018: Infrastructure in
the Context of Human Development*

Article 1

Editor's Note

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Recommended Citation

Trompeter, Luke and Lesemann, Ingrid (2018) "Editor's Note," *Sustainable Development Law & Policy*: Vol. 18 : Iss. 2 , Article 1.
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EDITORS' NOTE

Each decade, new challenges present themselves to the citizenry of the globe. Some challenges include concerns about the environment, technological innovation, economic productivity, and international competitiveness. Investment in infrastructure facilities is crucial to addressing these challenges. Numerous past infrastructure investments have been responsible for significant improvements in the overall quality of life in terms of health, safety, economic opportunity, and leisure time and activities. Yet, much remains to be done if we desire a future with a cleaner environment, with safer urban streets, with increased mobility and economic opportunity for the disadvantaged, and with an economy well equipped to compete in the international arena.

In attempting to answer the query of “Why is infrastructure important?” this issue of the *Sustainable Development Law & Policy Brief* seeks to highlight the linkages between infrastructure and overall quality of life as well as the potential importance of public infrastructure spending to the aggregate economy. Our first article, *A Nuclear Threat: The Tenth Circuit’s Shocking Misinterpretation of Preemption Demanding an Amendment to the Price-Anderson Act*, by Stephanie Fishman analyzes how the Tenth Circuit’s misinterpretation of the “nuclear incident” at Rocky Flats will negatively impact innovation in an industry critical to essential human services such as energy, power, and national security, and thus renders nuclear market participants susceptible to a new and undefined liability. Author Florianne Silvestri in her article, *Wind Power and the Legal Challenges with NEPA and the ESA* uses the state of Ohio as a case study to discuss how the wind energy sector must often overcome legal challenges such as the National Environmental Policy Act and Endangered Species Act.

This issue also includes seven featured articles exploring other important infrastructure topics. Nicole Waxman argues that the United States Supreme Court’s weakening of the waiver of federal sovereign immunity under the Comprehensive Environmental Response, Compensation and Liability Act is preventing federally-contaminated sites such as the Washington Navy Yard from being fully remediated. Our second featured article by Kate Juon asserts that although the slogan, “reduce, reuse, and recycle” (“Three Rs”) originated in the United States,

the United States lags behind many other countries because they have more effectively applied the principles of the Three Rs within their own waste management systems on a national level. Alycia Kokos argues that the South African Constitution, which grants that every citizen has the right to access sufficient water needs to be quantitatively defined to ensure that the government is held accountable, and thus compelled to take action.

Amanda Stoner demonstrates how the permitting process under the Clean Water Act is better suited to regulate large dischargers such as “industrial, commercial, and municipal point sources” rather than individual septic systems in remote communities of Appalachia because people living in economically depressed areas are unable to apply for permits, pay an application fee, and volunteer to be monitored by government authorities. Alexandra Nolan discusses the downfall of the Urban Housing and Development Act of 1992 in Manila, Philippines and how it is being constitutionally challenged by citizens losing their homes to foreign corporations. Elena Franco asserts that the review of new infrastructure projects should take into account the relationship between the built environment, climate change, and natural disasters because this interconnectedness poses additional vulnerability to our infrastructure and our population. Mark Yurich discusses how the workers in the Gig Economy are seeking reclassification from independent contractors to employees under the Fair Labor Standards Act and other state laws in order to receive employment benefits, including minimum wage and overtime protection.

On behalf of the *Sustainable Development Law and Policy* staff, we would like to thank all of the authors who contributed their time, efforts, and scholarship to this issue. We would also like to thank our staff for all of their hard work and dedication to *SDLP*. Lastly, we would like to thank our readers for your continuing interest and support of *SDLP*.

Sincerely,



Luke Trompeter
Co-Editor in Chief



Ingrid Lesemann
Co-Editor in Chief

ABOUT SDLP

The Sustainable Development Law & Policy Brief (ISSN 1552-3721) is a student-run initiative at American University Washington College of Law that is published twice each academic year. The *Brief* embraces an interdisciplinary focus to provide a broad view of current legal, political, and social developments. It was founded to provide a forum for those interested in promoting sustainable economic development, conservation, environmental justice, and biodiversity throughout the world.

Because our publication focuses on reconciling the tensions found within our ecosystem, it spans a broad range of environmental issues such as sustainable development; trade; renewable energy; environmental justice; air, water, and noise regulation; climate change; land use, conservation, and property rights; resource use and regulation; and animal protection.

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Printed by HBP, Inc., Hagerstown, MD.

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